

State of
New Hampshire
HOUSE RECORD

First Year of the 155th Session of the General Court
Calendar and Journal of the 1997 Session

Vol. 19 Concord N.H. Friday, May 2, 1997 No. 56

Contains: Hearings, Notices, Work Sessions, Reports and Amendments for May 7

HOUSE CALENDAR NOTICE

MEMBERS OF THE HOUSE:

The House will next meet in session on May 7, at 1 p.m. Future sessions are tentatively planned for May 14 and May 21.

I would like to take this opportunity to thank Representative Carol Holden of Amherst for all of her service to the House and the citizens of New Hampshire as she leaves us to take up new responsibilities at the county level. No matter what the assignment, Carol conscientiously reviewed the issues and developed solutions. I am particularly grateful for all of the work that she did on the House Continuing Education forums. We wish her great success in her new position.

Notice is hereby given that every Session Day shall be a Consent Calendar Day as set out in House Rule 51.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, May 7 at 11:30 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, May 7 at 11:30 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

NOTICE

LEGISLATIVE FORUM

HOUSE CONTINUING EDUCATION

TOPIC: How To Make An Effective Speech

PRESENTERS: George and Eleanor Foushi, Distinguished Toastmasters

DATE: Thursday, May 8

TIME: Noon to 1:30 p.m.

PLACE: Room 100, State House

For the members' convenience the cafeteria will sell sandwiches, snacks and sodas outside the room. This will be an informative session with handouts. Please make every effort to attend. Thank you.

Future Dates:

May 8 How To Make an Effective Speech

May 15 Committees of Conference

May 22 Department of Revenue Administration

May 29 Department of Treasury

Rep. Carol H. Holden

Legislative Continuing Education Coordinator

WEDNESDAY, MAY 7

CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 66, allowing a state resident to obtain a license for a pistol or revolver for life. RE-REFER TO COMMITTEE

Rep. L. Randy Lyman for Criminal Justice and Public Safety: This bill changes the current concealed weapon permit for a resident from a four year period to a lifetime permit. Testimony in support cited convenience for law abiding and responsible gun owners. Additionally, the penalties for being found carrying a concealed weapon after expiration of a carry permit could prevent a permit from being granted in the future because it would be a "weapons charge" against the applicant. Law enforcement officials felt it was irresponsible to not renew a permit as important as a concealed weapons permit if a firearm was commonly carried. They also indicated that an individual's ability to safely handle a firearm could diminish over time much as a persons ability to drive could diminish and the periodic renewal allowed a check and balance in the permitting process that was both prudent and reasonable. The committee agrees but would like to re-refer SB 66 in order to review the penalties that currently treat an individual whose permit had expired in the same manner as a person who had ignored the permitting process required by the statutes. A lapse of memory should not be considered a criminal act when there is no intent to violate the law. Vote 12-0.

EDUCATION

SJR-2, relative to federal funding under the Individuals with Disabilities Education Act. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley Searles for Education: This resolution urges Congress to keep its promises, appropriate the 40% average per pupil expenditure funds as established in Public Law 94-142 and revise Individuals with Disabilities Education Act. Vote 15-0.

ENVIRONMENT AND AGRICULTURE

SB 30, relative to time of dog licensure. OUGHT TO PASS

Rep. Frank D. Callaghan for Environment and Agriculture: This bill changes present law to allow dog licensing from three months to four months to conform to veterinarian practice of spay/neutering at four months. Vote 12-0.

SB 31, relative to rabies certificates. OUGHT TO PASS

Rep. William P. Brennan for Environment and Agriculture: This bill allows for rabies certificates to be filed so that the owner of the dog is on record with the town clerk at the time of licensure, and does not have to produce verification. Vote 15-0.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 60-FN, excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Executive Departments and Administration: This bill, as amended, will reinstate the oversight committee for claims arising from the clinical operation and administration of the New Hampshire Hospital. The bill will also exempt claims under \$500.00 against the state hospital from RSA 541-B. The hospital will have jurisdiction to investigate, hold hearings, and render a decision to honor or deny awards on claims when the amount is less than \$500.00. Claims for amounts between \$500.00 and \$50,000.00 will continue to be heard by the Board of Claims. Vote 17-0.

SB 106-FN, establishing a committee to study the regulation of gas burner technicians and oil burner technicians. INEXPEDIENT TO LEGISLATE

Rep. Myron S. Steere, III for Executive Departments and Administration: The committee feels, based on testimony and discussion, that there is no compelling public safety issue that would require licensing of gas burning technicians and oil burner technicians. The current process using building codes with inspections by fire department personnel and building inspectors works satisfactorily. Vote 14-3.

SB 131--FN, allowing certain state employees to take paid leave to participate in disaster relief service work. RE-REFER TO COMMITTEE

Rep. Jon P. Beaulieu for Executive Departments and Administration: The committee understands the importance of the work that the American Red Cross provides with its disaster relief services. However, there were a number of unanswered questions as to the effect of such legislation. Among the questions unresolved were concerns of insurance coverage and the effect this type of leave would have upon an individual's disability retirement benefits should he or she be injured. With the many questions and lack of time, the committee asks that this bill be re-referred so that answers to questions may be found. Vote 12-4.

SB 146, establishing a committee to study the issue of reducing the number of years of service required to be vested in the retirement system plan from 10 years to 5 years. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: The joint committee established by this bill will study the vesting issues including the length of time to vest and the cost associated with any changes, and will review current standards for both governmental and non-governmental plans. With the many changes taking place in retirement plans, this is a subject that should be thoroughly studied to determine the effect upon the New Hampshire Retirement System. Vote 15-2.

SB 167, relative to the regulation of naturopathic practitioners. OUGHT TO PASS WITH AMENDMENT

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill with amendment extends the date for licensure application for doctors to March 1998. It also preserves the exemptions already in the bill. It reserves issues regarding titles of naturopaths, scopes of practice and enforcement to be considered with HB 762, relative to the regulation of naturopathic medicine, which was re-referred to the committee earlier this session. Vote 15-0.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 159-FN, establishing a committee to study increased public access to data concerning physicians and persons certified or registered under RSA

330-A. OUGHT TO PASS WITH AMENDMENT

Rep. Patricia G. O'Keefe for Health, Human Services and Elderly Affairs: This bill establishes a committee to study increased public access to data concerning physicians and surgeons who are licensed under RSA 329. With the recent changes in health care delivery systems, compelling reasons to study the issue of matching physician data readily available to the health care consumer. Vote 17-0.

JUDICIARY AND FAMILY LAW

SB 84, revising the uniform simultaneous death act. RE-REFER TO COMMITTEE

Rep. Deborah L. Woods for Judiciary and Family Law: This bill revises New Hampshire's Simultaneous Death Act to comply with the Uniform Simultaneous Death Act of 1993. The committee unanimously voted re-refer to have the opportunity to better understand the complicated language and concepts of this important issue. Vote 19-0.

SB 96-FN, relative to the priority of charges in probate of estates. RE-REFER TO COMMITTEE

Rep. Deborah L. Woods for Judiciary and Family Law: This bill makes changes in the priority of charges assessed by probate courts in estates of deceased. It was substantially amended by the Senate. The committee needs the time that re-refer affords to study and understand the issues involved. Vote 20-0.

SB 194-FN-A, relative to the age of child day care providers homes, and allowing school districts to transport school-age children between schools and before-and-after school programs. OUGHT TO PASS WITH AMENDMENT

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill, as amended, acknowledges the state's interest in assisting families in keeping school age youth safe and out of trouble as their families move toward self-sufficiency. It provides that child care providers receiving money from the departments of Health and Human Services and Education should meet certain minimum standards and it clarifies current practice for transporting pupils between schools and legally operating before and after school programs. Vote 14-3.

SB 206-FN-A, relative to seminars conducted by the superior court for persons seeking custody or visitation of minor children and relative to fees charged for such seminars. INEXPEDIENT TO LEGISLATE

Rep. Janet W. Wall for Judiciary and Family Law: The committee, together with the sponsors, agrees that there is no need for this bill, in its current format, because we have currently a stronger statute in place which is working satisfactorily. The bill was intended to augment the current program, but instead would serve only to weaken and jeopardize this much needed process for counseling during those divorces where child custody and visitation are issues. Vote 20-0.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 21, excepting persons who are 17 years old and graduated from high school from the youth employment law. OUGHT TO PASS WITH AMENDMENT

Rep. Rebecca C. Hutchinson for Labor, Industrial and Rehabilitative Services: This bill will exempt 17 year olds who have graduated from high school from the youth employment law. It will also establish a committee to review the entire youth employment law and make recommendations to update the law. Vote 14-1.

SB 38, relative to certain activities under the workers' compensation law. OUGHT TO PASS WITH AMENDMENT

Rep. Jane P. Kelley for Labor, Industrial and Rehabilitative Services: This bill re-defines "injury" or "personal injury." Employees will not receive workers' compensation for injuries sustained on or off the premises for participation in athletic/recreational activities which are not a condition of employment. Vote 15-0.

MUNICIPAL AND COUNTY GOVERNMENT

SB 37, relative to line items at town and school district meetings. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: It causes great concern to see this type of bill proposed as a "one size fits all" solution to issues which should be addressed at a local level. In an era when we are attempting to initiate home rule, it would appear that this is one more item that should be addressed on a community by community basis. Vote 18-1.

SB 62, authorizing the governing bodies of towns which have not adopted the official ballot referendum form of meeting, but which are in school

districts which have adopted the official ballot referendum form of meeting, to move the election day of the 1997 and 1998 annual meetings of those towns to April 8, 1997, and April 14, 1998, respectively. RE-REFER TO COMMITTEE

Rep. Betsey L. Patten for Municipal and County Government: The committee is currently studying the implementation process of the official ballot. The voting day in the "SB 2" towns and school districts changed from the traditional voting day of the second Tuesday of March to the second Tuesday in April. SB 62 addressed that difference by allowing the governing bodies of towns that had not adopted official ballot but were "SB 2" school districts to move the election day of those towns to the second Tuesday of April. Our committee went out to fifteen SB 2 communities on April 8th to listen to voter opinions and will be holding some informational meetings in some of those locations to gather more opinions of the process. The committee wanted that input prior to making this decision, hence the motion to Re-refer. Vote 16-1.

SB 179-FN-LOCAL, establishing a committee to study creating a New Hampshire local government records management improvement fund. RE-REFER TO COMMITTEE

Rep. Cynthia J. Dokmo for Municipal and County Government: The committee feels that the intent of this bill has merit, but that further study is warranted. Vote 13-3.

SB 198-FN-LOCAL, relative to the standard for granting of variances by zoning boards of adjustment from dimensional requirements. INEXPEDIENT TO LEGISLATE

Rep. Marilyn A. Fraser for Municipal and County Government: This bill eliminates the requirement of "unnecessary hardship" in the case of dimensional zoning variances, without providing any viable alternative. The proposed term "practical difficulty" would allow variances to be granted simply for the owner's convenience and would result in the gradual erosion of all dimensional standards. Vote 17-2.

TRANSPORTATION

SB 173-FN, relative to license and registration suspensions. INEXPEDIENT TO LEGISLATE

Rep. Sherman A. Packard for Transportation: The subject matter in this bill is similar to the subject matter in SB 187 which the committee re-referred. The problem of court defaults (SB 187) and driving after revocation of license and or plates (SB 173-FN) are problems we plan to address. Vote 13-0.

SB 180-FN-A, relative to the maintenance, enhancement and rehabilitation of local rural airport service and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Milligan for Transportation: This bill establishes a fund to be known as the Rural Airport Capital Revolving Loan Fund. It shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public. A lien on the improved property shall be created in favor of the state in an amount which equals the sum of principal and interest to be repaid by the owner or sponsor of the rural airport. Vote 13-1.

WEDNESDAY, MAY 7

REGULAR CALENDAR

EDUCATION

SB 169-FN, relative to a college tuition savings plan. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill establishes the New Hampshire college tuition savings plan advisory commission which shall oversee the administration of such plan. It also sets forth criteria for participating in such plan. Interest and dividends from funds invested in the savings plan shall be exempt from the New Hampshire interest and dividends tax. The amendment addresses the issue of interest and dividends. These funds shall not be considered taxable income. Vote 13-2.

SB 205-FN-LOCAL, establishing a special school district to provide special education for eligible inmates in the state prison system. RE-REFER TO COMMITTEE

Rep. Michael Marcinkowski for Education: The committee felt that insufficient information was available to determine the impact of this bill in terms of special education policy and its impact on required expenditures. In addition, prior passage of SB 155 requires the department of education to prepare and adopt a plan for special education services in the state prison and county correctional systems. Vote 13-4.

ENVIRONMENT AND AGRICULTURE

SB 29, establishing a pet overpopulation trust. OUGHT TO PASS WITH AMENDMENT

Rep. Betty B. Hall for Environment and Agriculture: This bill establishes a dedicated fund to accept moneys to reimburse veterinarians for neutering animals. Animal population control fees shall be deposited in the fund which can also accept funds from private sources. Vote 16-0.

SB 32, relative to dogs at large. OUGHT TO PASS WITH AMENDMENT

Rep. William R. Phinney for Environment and Agriculture: This bill restructures RSA 466:31 II and increases the penalty for third and subsequent offenses. Vote 14-2.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 53-FN, relative to payment by the retirement system of certain medical benefits for group II members and for certain permanent firemen on disability retirement. RE-REFER TO COMMITTEE

Rep. Merton S. Dyer for Executive Departments and Administration: The intent of this bill is to include additional members of group II in the medical subtrust for group II employees. This bill would expand the group participation by changing the active date from June 30, 1988 to June 30, 1991. This would add 531 new members and also add 94 firefighters on disability retirement. The total cost would be \$10,540,000 and come from the special account. The special account has sufficient funds but the committee was concerned about the interplay between this bill for medical benefits and HB 751 which deals with spousal benefits for the same group and will also be terminally funded from the special account. HB 751 was re-referred for further study and the committee asks that this bill, SB 53-FN, be re-referred for further study of the implementation of this bill and how it interacts with HB 751. Vote 16-0.

JUDICIARY AND FAMILY LAW

SB 34, repealing laws relative to abortion. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Benjamin J. DePecol for the Majority of Judiciary and Family Law: This bill repeals three antiquated 1848 statutes dealing with abortion. All legal protections for patients and doctors remain in place. This is not an attempt to expand or limit any procedure, it is simply an act to eliminate three laws already deemed unconstitutional and three laws we do not use. Vote 13-7.

Rep. Kevin H. Smith for the Minority of Judiciary and Family Law: Passage of this bill causes grave consequences for the state of New Hampshire. Three major areas the minority of the committee is concerned with are: (1) there would no longer be any penalties against doctors who injure or harm a woman's life or health due to an abortion, thus giving women no action for recourse; (2) there is no longer any protection for post-viable fetuses, which Roe vs Wade clearly states there should be; (3) with abortionists now being able to perform any abortion at any time period, under any circumstance, New Hampshire could conceivably become the abortion mecca of the country. New Hampshire cannot afford to pass this extreme measure.

SB 177-FN, relative to the liability of prospective adoptive parents for court ordered services. OUGHT TO PASS

Rep. Kevin H. Smith for Judiciary and Family Law: This bill furthers the state goal of encouraging adoption of children in the custody of the state by ensuring some continuing financial support if these at-risk children subsequently require certain services. Vote 10-8.

MUNICIPAL AND COUNTY GOVERNMENT

SB 217, relative to control of accessory uses on private land, including aircraft takeoffs and landings. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Robert A. Lockwood for the Majority of Municipal and County Government: This bill repeals, from the time of its effective date until June 1, 1998, then reenacts a law passed last year (HB 1156, Chapter 218) that automatically allows aircraft takeoffs and landings on private land as an accessory use in all municipalities, unless specifically prohibited by local ordinances. Traditionally, accessory uses are specifically defined by local planning boards and approved by the voters in each municipality before they are allowed. The majority believes this bill is necessary to allow time for all communities to make their own local control decisions before the state mandates permanent local zoning decisions. Passage of HB 217 will return the option of local control to municipalities until June 1, 1998. After that, the original language of Chapter 218 will apply to privately owned airstrips. The need for a moratorium was occasioned by confusion in some communities regarding authority of the municipalities to exercise takeoffs and landings on privately owned airstrips. Vote 11-6.

Reps. Joseph E. Stone, Paul A. McGuirk, Marilyn A. Fraser, and Thomas E. P. Rice Jr. for the Minority of Municipal and County Government: Several times, citizens in Brentwood who are abutters have asked for town zoning to prohibit property from being used for aircraft landings and takeoffs. As recently as March 11, 1997, by a vote of 480 to 276, the town of Brentwood voted to reject a citizen petition to specifically prohibit the

aircraft landings and takeoffs. Judge Patricia Coffy of the Rockingham County Superior Court ruled that a petition for injunction against the airstrip operation presented no evidence which would allow the court to invalidate the statute under the taking clause. Now these same citizens are asking us as legislators to overturn the vote of the majority. We feel this is an improper action for us to take.

COMMITTEES OF CONFERENCE

HB 254, relative to shared tenant telecommunication services. (Reps. Howard, Donald White, Below and Jeb Bradley)

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (Reps. Christie, Hansen, Lyman and Yvonne Coulombe)

HOUSE BILLS AMENDED BY THE SENATE

HB 105, allowing an extension of time limits upon a showing of good cause for holding an adjudicatory hearing in certain delinquency cases. (House Concurred 4/10/97)

HB 117, relative to Persian Gulf War bonus payments. (SJ 13)

HB 165, establishing a committee to study withdrawal from cooperative school districts. (SJ 10)

HB 230, establishing a committee to study the school building aid system. (SJ 10)

HB 249, clarifying the authority of certain officials and law enforcement officers to serve cease and desist orders against planning and zoning violations. (SJ 13)

HB 251, reclassifying a portion of North Main Street in the town of Farmington and a portion of Passaconaway Road in the town of Albany. (House Concurred 4/10/97)

HB 252, relative to posting of bylaws in advance of any town election. (SJ 13)

HB 254, relative to shared tenant telecommunication services. (House Nonconcurrent; C-of-C 4/30/97)

HB 255, establishing a committee to study access to dental care for low-income, uninsured, and underinsured persons. (House Concurred 4/30/97)

HB 264, relative to technical committees advising the director of the office of information technology management on technical issues. (House Concurred 4/30/97)

HB 315, expanding certain financial powers of village districts. (House Concurred 4/30/97)

HB 338, repealing certain requirements relative to the duty to deliver a copy of process to prisoners. (House Nonconcurrent; C-of-C 4/10/97)

HB 343, relative to authority by governmental entities over driveways and other accesses to public ways. (House Concurred 4/23/97)

HB 370, updating and making technical corrections in certain banking laws. (SJ 13)

HB 392, changing references to the "BOCA Basic Building Code" to "BOCA National Building Code." (House Concurred 4/10/97)

HB 404, establishing a committee to study providing universal catastrophic health coverage by establishing a statewide catastrophic risk pool. (SJ 13)

HB 450, relative to accessing directory information as defined by the Family Educational Rights and Privacy Act. (SJ 11)

HB 516-FN, increasing the fuel oil discharge cleanup fund fee. (House Concurred 4/30/97)

HB 539, relative to the tax lien process for quarterly tax bills in the city of Concord. (House Concurred 4/23/97)

HB 628, relative to an agreement or contract for the Mount Sunapee or Cannon Mountain ski area operations, or both, establishing a committee to develop a proposal and review responses, and requiring review of any agreement or contract by the capital budget overview committee. (House Concurred 4/30/97)

HB 704, relative to provisional licenses for manufacturers of beverages and requiring approval of the source of water used to manufacture beverages. (House Concurred 4/30/97)

HB 706, establishing a commission on animal damage control to review the fish and game laws relating to damage by game birds and game. (House Concurred 4/30/97)

HB 737, establishing a committee to study the New Hampshire retirement system relative to redefining earnable compensation. (House Concurred 4/23/97)

HCR 2, urging all school districts in the state of New Hampshire to implement peer mediation programs. (SJ 11)

LAI D ON TABLE

HB 198-L, allowing municipalities to offer tax incentives to foster growth in new and existing industrial construction. (Pending question is the adoption of the Committee report, re-refer to committee.)

HR 19, affirming unrestricted revenue estimates for fiscal years 1998 and 1999. (Pending question is ordering to third reading.)

COMMITTEE HEARINGS

TUESDAY, MAY 6

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on **SB 139**, authorizing banks to invest trust funds in bank-affiliated investments.

10:00 a.m. Subcommittee work session on **SB 22**, relative to health benefit plans sponsored by qualified franchise associations and **SB 94-L**, relative to the financing of the New Hampshire civic center commission.

1:30 p.m. Subcommittee work session on **SB 1**, relative to exclusive arrangements with managed care insurers.

2:00 p.m. Subcommittee work session on **SB 104**, relative to rate setting for purposes of automobile insurance and homeowners insurance

2:30 p.m. Subcommittee work session on **SB 101**, requiring certain hospitals to file certain forms with the director of charitable trusts.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. **SB 181**, allowing certain prisoners to earn good conduct credits reducing such person's minimum sentence and establishing a committee to study permitting certain prisoners to be sentenced to substance abuse treatment centers.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

1:30 p.m. Subcommittee work session on **SB 71**, establishing a committee to identify and study statutes and ordinances in cases in which the penalty is not specified by statutes and clarifying the right to a jury trial in cases in which a civil penalty is imposed for a violation.

EDUCATION, Rooms 205-207, LOB

10:00 a.m. **SB 202**, relative to the certification of teachers, high school graduation examinations and making an appropriation therefor, school building aid, and establishing a committee to study school discipline and manifest educational hardship.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ELECTION LAW, Room 308, LOB

9:00 a.m. Preliminary subcommittee work session on campaign finance reform.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. Subcommittee work session on ***HB 553-LOCAL***, relative to a right to farm.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. ***SB 207***, relative to a digital signature act.

1:00 p.m. ***SB 54***, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system.

Public hearing on the proposed amendment to ***SB 54***, relative to gainful occupation of disability beneficiaries in the New Hampshire retirement system. The amendment addresses the date of payment of earnable compensation after termination and extends the date of applicability of RSA 100-A:4,III-b. (Copies of the amendment are available from the Sergeant-at-Arms office.)

2:00 p.m. ***SB 68***, providing health care coverage for the spouse and dependents of any group I or group II retirement system member who is killed in the line of duty.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

FINANCE - (DIVISION I), Room 212, LOB

Executive session on the following bills:

10:00 a.m. ***SB 47-FN***, continuing the marital guardian ad litem recovery program in the unit of cost containment, office of the commissioner of administrative services.

10:15 a.m. ***SB 75-FN***, regulating beer festivals and requiring beer festival promoters to obtain a single event license for a fee from the liquor commission to hold a beer festival. (A)

10:30 a.m. ***SB 183-FN***, relative to liquor licenses for a sports/entertainment complex. (A)

11:15 a.m. ***SB 90-FN***, requiring all proposed legislation affecting independently owned small businesses to include an analysis of the cost of the legislation.(A)

1:00 p.m. ***SB 182-FN***, relative to the administration, operation, and maintenance of the New Hampshire state veterans cemetery.

FINANCE - (DIVISION II), ROOM 209, LOB

WORK SESSIONS ON THE FOLLOWING BILLS:

10:00 a.m. ***SB 64-FN-A***, exempting motor fuel used for automobile racing from road toll taxation.(A)

10:30 a.m. ***SB 80-FN-A***, excluding certain transfers from payment of the real estate transfer tax.

11:00 a.m. ***SB 176-FN*** relative to late payment of the legacies and successions tax.

11:30 a.m. ***CACR 13***, relating to the governor's veto power. Providing that the governor shall have line item reduction and line item veto power of items in any bill making appropriations of money.

WORK SESSION ON THE FOLLOWING RE-REFERRED BILLS (time permitting):

1:00 p.m. ***HB 108- FN-A***, relative to the rate of the legacies and successions tax as it applies to siblings of the decedent together with their spouses and lineal ascendants and descendants of siblings of the decedent together with their spouses; ***HB 195-FN-A***, increasing the exemption amount under the interest and dividends tax; ***HB 223-FN-L***, providing that catastrophic aid for special education shall be fully funded; ***HB 245-FN-A***, making certain real estate transfers taxable; ***HB 563-FN-A***, relative to a tax on telecommunications easements; ***HB 578-FN-A-L***, providing for property tax relief and making an appropriation therefor; ***HB 717-FN-A***, relative to the taxation of venture capital firms under the business profits tax and ***HB 804***, relative to the definition of "communication services" for purposes of the communications services tax.

Executive session to follow.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

10:00 a.m. **SB 172**, making various changes to the workers' compensation law.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LOCAL AND REGULATED REVENUES, Room 206, LOB

10:00 a.m. **SB 196**, relative to pari-mutuel wagers and defining "resort hotel."

2:00 p.m. **SB 216**, relative to pari-mutuel racing and taxes on pari-mutuel pools.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on **SB 109**, relative to the official ballot voting option.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:00 a.m. **SB 168**, requiring the department of corrections to prepare and enter into a lease-purchase agreement with the Berlin Economic Development Council for a medium security correctional facility to be constructed in Berlin and making an appropriation therefor.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

TRANSPORTATION, Room 203, LOB

10:00 a.m. Executive session on pending legislation.

WEDNESDAY, MAY 7

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on **SB 178**, regulating managed care systems of health care delivery.

10:00 a.m. Executive session on pending legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on **HB 665-FN**, establishing the crime of felony murder.

11:00 a.m. Subcommittee work session on **SB 102-FN**, relative to the possession of certain weapons in the commission of a violent crime.

ELECTION LAW, Room 308, LOB

9:30 a.m. Work session on campaign finance reform.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Executive session on pending legislation, if needed.

FINANCE, Rooms 210-211, LOB

10:00 a.m. **SB 213-FN-A**, establishing a fund for loans to rehabilitate class III railroads and cog railroads and making an appropriation therefor.(A)

Executive session on pending legislation to follow.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

9:00 a.m. Subcommittee work session on **SB 35**, including "accessibility lift' within the definition of "elevator".

10:00 a.m. **SB 209**, establishing a residential care pilot program and providing for the funding of such program.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Joint subcommittee work session with Labor, Industrial and Rehabilitative Services on ***SB 25***, establishing employer immunity from civil liability for good faith disclosure of information regarding current and former employees to prospective employers.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

10:00 a.m. Joint subcommittee work session. See Judiciary and Family Law.

LEGISLATIVE ADMINISTRATION, 3RD Floor Conference Room, State House

9:30 a.m. Mileage subcommittee work session.

LOCAL AND REGULATED REVENUES, Room 206, LOB

10:00 a.m. Executive session on pending legislation.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Subcommittee work session on ***HB 641***, relative to property tax bills for land parcels having multiple owners; ***HB 642***, requiring that all property taxes be paid prior to approval of a subdivision plat and ***HB 676-FN-LOCAL***, establishing procedures for the distribution of proceeds from the sale of tax-deeded property by a municipality.

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 206, LOB

4:00 p.m. Rescheduled regular commission meeting.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

9:30 a.m. Subcommittee work session on ***HB 350***, exempting permits by rule and permits by notification from certain excavating and dredging permit requirements and ***HB 581-FN***, authorizing the department of environmental services to issue permits in emergency situations, expanding the exemptions for excavating and dredging permits, and establishing a notification process for the replacement and repair of existing legal structures.

SCIENCE , TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Full committee work session on ***HB 651-FN-LOCAL***, relative to electric rate reduction financing.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 301, LOB

10:00 a.m. Executive session on pending legislation.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

9:00 a.m. Subcommittee work session on ***HB 177-FN***, increasing the wild black bear license and tag fee.

THURSDAY, MAY 8

COMMERCE, Room 302, LOB

10:00 a.m. Executive session on pending legislation.

ELECTION LAW, Room 308, LOB

10:00 a.m. Work session on campaign finance reform.

FINANCE - (DIVISION II), Room 209, LOB

10:00 a.m. Work and executive session.

PEASE DEVELOPMENT AUTHORITY BOARD OF DIRECTORS (RSA 12-G:4), Authority Offices Conference Room, 360 Corporate Drive, Pease International Tradeport

8:30 a.m. Regular meeting.

MONDAY, MAY 12

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

PERINATAL CHEMICAL DEPENDENCY (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

TUESDAY, MAY 13

LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

1:00 p.m. Regular meeting.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on ***HB 132-FN***, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

1:00 p.m. Subcommittee work session on ***HB 371***, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources.

WEDNESDAY, MAY 14

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on ***HB 204-FN-LOCAL***, relative to transportation of arrestees, detained defendants, and prisoners and court control of arrestees, detained defendants, and prisoners.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Subcommittee work session on ***HB 618-FN***, relative to increasing certain state park fees.

WILDLIFE AND MARINE RESOURCES, Amoskeag Fishway, Manchester

9:00 a.m. Tour of the Amoskeag Fishway.

FRIDAY, MAY 16

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

TUESDAY, MAY 20

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on ***HB 132-FN***, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

1:00 p.m. Subcommittee work session on ***HB 371***, relative to the authority of the department of fish and game to regulate the management, preservation, propagation, and taking of state fish, game, and wildlife resources.

TUESDAY, MAY 27

ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB

9:00 a.m. Rescheduled regular meeting.

WILDLIFE AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. Subcommittee work session on ***HB 132-FN***, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

OFFICIAL NOTICES

Members are reminded that material in mailboxes needs approval of the chairman of the Legislative Administration Committee. Such material should relate to legislative business and must indicate the identity of the sender.

Rep. Channing T. Brown, Chairman

Legislative Administration Committee

THE MOST RECENT INFORMATION ON HOUSE-CALENDAR DELIVERY:

Arrangements have been made to have our Friday mailings now leave Concord at 2:00 p.m. bound for the Manchester Distribution Center. Additionally, the Postal Representative assisting us has notified the Supervisors in all of the Post Offices where late delivery has been a consistent problem (based on the return envelopes we collected) to be alert for mail addressed to State Representatives. If you continue to experience late delivery, please save your envelope when it does arrive; write on it the date of receipt and bring the envelope to the Clerk's Office. This has been a great help trying to isolate the problems. Thank you for your cooperation.

Karen O. Wadsworth, Clerk of the House

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 2, 25, 50, 53, 120, 151, 181, 186, 187, 225, 229, 236, 243, 262, 268, 340; 378, 379, 430, 436, 457, 459, 486, 498, 511, 516, 530, 557, 559, 560, 562, 564, 565, 567; 568, 569, 570; 571, 572, 573, 577, 578; 580, 587, 588, 589; 591, 592, 593, 595, 596, 598, 599, 602; 603; 604, 605; 607; 608, 610; 615; 617; 618; 619;622, 625; 626, 627; 636, 637, 638; 643; 644,645; 649; 657, 658, 661; 663, 671, 677, 686; 688, 689, 696, 700, 702, 716; 719; 720, 723, 724, 725, 726, 727, 729, 731, 733, 734, 735, 737, 739, 740, 741, 742, 743, 744, 745, 747, 748, 749, 750, 751, 755, 760, 761, 762, 763. 764, 765,766, 767, 768, 769, 770, 771, 773, 774, 780, 781, 783, 784, 785, 786, 788, 791, 792, 794, 795, 796, 799 and 810.

Leo J. Callahan, Assistant Clerk

When the House Clerk is aware of House Members who are hospitalized or homebound by serious illness, it will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

William S. Belvin, 231 Boston Post Road, Amherst, New Hampshire 03031-3015

David S. Feng, 1 Timber Lane, Hudson, New Hampshire 03061-3114

Suzan L.R. Franks, 42 Cathedral Circle, Nahsua, New Hampshire 03063-2732

Paul W. Taylor, 214 Harris Road, Nashua, New Hampshire 03060-3708

Karen O. Wadsworth, Clerk of the House

Pursuant to RSA 326-B:12, the Joint Health Council will meet in Room 205, LOB, North Main Street Concord, on Monday, May 5 at 6:30 p.m.

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

COUNTY DELEGATION NOTICE

Strafford County Executive Committee will meet Friday, May 23 at 8:30 a.m. at the County Commissioners' Conference Room to review the first quarter budget.

Deborah F. Merritt, Chairman

Strafford County Executive Committee

Improve your mind, and recycle! Bring a book - Buy a book is located outside the cafeteria. It is sponsored by the OWLs. All moneys go to the scholarship fund.

Rep. Betsy McKinney

The State Veterans' Cemetery Oversight Committee cordially invites all legislators to attend the groundbreaking ceremony for the New Hampshire State Veterans Cemetery in Boscawen. The ceremony begins at 2:00 p.m. on Friday, May 2. We have waited a long time to acknowledge and honor our New Hampshire Veterans for their achievements and sacrifices made on behalf of our nation. This is a very historic day for the Veterans of New Hampshire and their families. We hope you can join us.

Rep. Leon Calawa, Jr.

Don't forget! Call today to register for Leadership Victory Summit '97 on Saturday, May 3 at Lake Ossipee Conference Center, Freedom, NH. Don't miss your chance to be part of this unprecedented gathering of Republicans from across New Hampshire. Sen. Don Nickels of Oklahoma will be the luncheon speaker. Call the Republican State Committee at 225-9341 to register and be part of planning for victory.

Rep. Frances L. Riley

The Manchester Legislative Delegation will be meeting with the Mayor of Manchester on Monday, May 5 at 8:30 a.m. in the Aldermanic Chambers at City Hall. Refreshments will be served.

Rep. Lou D'Allesandro

The New Hampshire Federation of Republican Women cordially invites you to join them for their Annual Lilac Luncheon with Guest Speaker Steve Forbes. This year's luncheon is being held at the Castleton in Windham on Monday, May 5 at 11:30 a.m. Tickets are \$25 and are available from Rep. Cynthia Dokmo (5-28) or Rep. Carol Holden (3-1).

Rep. Carol H. Holden

The New Hampshire Quality Outcomes Project invites you to a Feedback Forum for Legislators on May 5 from 10:00 to noon in Room 308, LOB with Valerie Bradley, Chair of the President's Committee on Mental Retardation and chief consultant to the Quality Outcomes Project.

Rep. Lawrence A. Emerton, Sr.

Now is the time to plan for relaxing, fun filled Day-On-The-Range at the Annual Legislative Shoot, sponsored by the Gun Owners of New Hampshire. This Firearms Orientation and Safety Program at the Sunset Mountain Fish and Game Club in Canterbury gives both novices and those with firearms experience an opportunity to spend a day in the sun with GO-NH Club members to assist them. Wake-up coffee and lunch will be provided. For further details and reservations, please call Rep. Frances Riley. Space is limited, so please reserve as early as possible. Monday, May 5 is the date, rain or shine, as shelter is available.

Rep. Frances L. Riley

Concord City Democrats will meet on Tuesday, May 6 at 7:00 p.m. in Room 102, LOB.

Rep. Miriam D. Dunn

The next public informational meeting for the Manchester Airport access road has been scheduled for May 6 from 5:30 to 8:00 p.m. at the McKelvie School, 108 Liberty Hill Road, Bedford. This will be an open forum at which the Department of Transportation will explain its preferred route on a one-to-one basis and in small groups. Maps will be shown and questions will be answered.

Rep. Steve Vaillancourt

There will be a meeting of a new group for persons with disabilities and those interested in this issue on May 7th at 10:00 a.m. in Room 307, LOB. The purpose of the "Meeting The Challenge" group is to provide a forum for those of us with disabilities who face various problems while serving as legislators, I hope that as many of you as possible will join me in this effort.

Rep. Carol Ann Williams

The next meeting of the House Republican Alliance will be held at the Upham Walker House (Park Street across from the State House) on Wednesday, May 7th at 9:00 a.m. for a one hour work session. Refreshments will be served.

Rep. Thomas M. Colburn

The Merrimack County Democrats will meet on Tuesday, May 13 at 7:00 p.m. in Room 102, LOB

Rep. Miriam D. Dunn

The OWLs will meet Wednesday, May 14 in Room 306, LOB from noon to 1:00 p.m. Joyce Miko, co-founder of the Academy of American Doll Artists Inc. will be speaking. Boxed lunches will be available for a small charge. All legislators are welcome to attend.

Rep. M. Virginia Burke

The 1997 State House softball team is being formed for games to be played from late April through June. The games take place on Mondays during the early evenings at DOT field, Hazen Drive. All staff and legislators (or others) who want to play may contact Curtis Barry at 3663 or Erik Schneiderhan at 2136.

Reps. Robert L. Wheeler and Peter Hoe Burling

A deep sea fishing trip is planned for Friday, May 16. Boat departs at 7:30 a.m. from Smith and Gilmore Pier, Hampton and returns at approximately 4:30 p.m. The trip is open to representatives, senators and staff. \$25 per person. Limit 40 people. First paid - first reserved. Please contact Rep. Terence R. Pfaff, 329 Hackett Hill Road, Hooksett, New Hampshire 03106-2522, telephone 624-0950.

Rep. Terence R. Pfaff

The Manchester Republican Committee will hold a fund raising "Spring Fling" Dinner featuring the Honorable John H. Sununu at the Center of New Hampshire on Thursday, May 22nd. Reception at 6:00 p.m. Dinner at 7:00 p.m. Tickets \$50 each; Table of 10 \$450. RSVP by May 15. For more information contact Bobbi Arnold at 669-4814; or Rep. Bill Golding at 623-6562; or Rep. Winston McCarty at 668-4263.

Rep. William M. Golding

The Belknap County Republic Committee will hold its Annual Chicken Barbecue at the Smith Meeting House Gilmanton on Saturday, June 14 from Noon to 4:00 p.m. Donation \$15. For tickets see Rep. Rice, Steve Nadeau or any Belknap County Republican.

Rep. Thomas E.P. Rice, Jr.

The Department of Transportation will hold the following meetings:

May 6 McKelvie School Cafeteria, Liberty Hill Road, Bedford, 5:30 p.m. Public information meeting, Bedford, Manchester, Londonderry, Litchfield, Merrimack, Manchester Airport Access.

May 6 Conway Town Hall, 4:00 p.m. Public officials/information meeting, Conway, West Side Road, bike shoulders.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

WEDNESDAY, MAY 7

AMENDMENTS

(Listed in numerical order.)

1997-1023h

Amendment to SB 21

Proposed by the Committee on Labor, Industrial and Rehabilitative Services

Amend the title of the bill by replacing it with the following:

AN ACT excepting persons who are 17 years old and graduated from high school from the youth employment law and establishing a committee to study the youth employment law.

Amend the bill by replacing all after section 1 with the following:

2 Committee Established. There is established a committee to study the youth employment law.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study all aspects of RSA 276-A, the New Hampshire youth employment law.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 1997.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds an exception to the requirement for a certificate under the youth employment law for 17-year-old persons who are high school graduates or who have received a high school equivalency diploma. This bill also establishes a committee to study the youth employment law.

1997-1161h

Amendment to SB 29

Proposed by the Committee on Environment and Agriculture

Amend the title of the bill by replacing it with the following:

AN ACT establishing the companion animal neutering fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Companion Animal Neutering Fund Established. Amend RSA 437-A by inserting after section 4 the following new section:

437-A:4-a Fund Established; Solicitation and Acceptance of Funds.

I. There is hereby established the companion animal neutering fund. Any funds received by the commissioner under this chapter, RSA 466:4, I(c), and RSA 466:6, III shall be deposited in the fund and shall be used by the commissioner exclusively for implementation including veterinarian reimbursement, promotion, and other costs associated with the program. Moneys in the fund shall be continually appropriated to the commissioner. Interest earnings credited to the assets of the fund shall become part of the fund. Any balance remaining in the fund at the end of the fiscal year shall be carried forward to the fund for the next fiscal year.

II. The commissioner may solicit and accept funds from any public or private source to be used to carry out the provisions of this chapter. All such funds shall be deposited into the fund established under paragraph I.

2 New Paragraph; Definition Added. Amend RSA 437-A:1 by inserting after paragraph II the following new paragraph:

III. "Fund" means the companion animal neutering fund established in RSA 437-A:4-a.

3 New Paragraph; Rulemaking Added. Amend RSA 437-A:5 by inserting after paragraph II the following new paragraph:

II-a. Administration of the fund established under RSA 437-A:4-a.

4 Animal Population Control Fees. Amend RSA 466:4, I(c) to read as follows:

(c) The clerk shall remit all companion animal population control fees collected to the state treasurer along with the fees sent in accordance with RSA 466:9, provided that such companion animal population control fees shall be deposited into the ~~general fund~~ **companion animal neutering fund, established in RSA 437-A:4-a.**

5 Animal Population Control Fee. Amend RSA 466:6, III to read as follows:

III. The fee shall be \$20 for the group license, \$2 of which shall be remitted to the town clerk for deposit into the ~~general~~ **companion animal neutering fund, established in RSA 437-A:4-a**, as the companion animal population control fee, and \$18 shall be retained by the town or municipality.

6 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (ooo) the following new subparagraph:

(ppp) Moneys received under RSA 466:4, I(c), RSA 466:6, III, and RSA 437-A which shall be credited to the companion animal neutering fund, established in RSA 437-A:4-a.

7 Repeal. 1996, 152, relative to the budget for the animal population control program, is repealed.

AMENDED ANALYSIS

This bill establishes the companion animal neutering fund which shall be funded by the animal population control fees under RSA 466. The fund is continually appropriated to the commissioner of the department of agriculture, markets, and food and shall be used for the purposes of the animal population control program.

1997-1150h

Amendment to SB 32

Proposed by the Committee on Environment and Agriculture

Amend the title of the bill by replacing it with the following:

AN ACT relative to certain civil forfeitures to be paid by certain dog owners.

Amend the bill by replacing all after the enacting clause with the following:

I Restructuring of Paragraph. RSA 466:31, II is repealed and reenacted to read as follows:

II. Under this section:

(a) A dog is a "nuisance" under any or all, but not limited to, the following conditions:

(1) If a dog is "at large," which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog. This subparagraph shall not include a dog which is being used for hunting, herding, supervised competition, or exhibition or training for such activities if accompanied by the owner or custodian, meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time.

(2) If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area.

(3) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's.

(4) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting.

(b) A dog is a "menace" under any or all, but not limited, to the following conditions:

(1) If it growls, snaps at, runs after or chases any person or persons.

(2) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways.

(c) A dog is "vicious" if, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

2 Civil Forfeitures. RSA 466:31-a, II is repealed and reenacted to read as follows:

II. Any person who violates any of the provisions of RSA 466:31 shall be liable for a civil forfeiture, which shall be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given by any law enforcement officer to the owner or keeper of a dog in violation of RSA 466:31. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(a) \$25 for the first nuisance offense under RSA 466:31, II(a) and \$50 for a second nuisance offense committed within 12 months of the first nuisance offense under RSA 466:31, II(a), according to the records of the town or city clerk. For third and subsequent nuisance offenses in a 12-month period, a person shall either pay \$100, or, at the discretion of either the person or the animal control officer, the case may be tried in municipal or district court.

(b) \$50 for the first menace offense under RSA 466:31, II(b); and \$100 for the second menace offense committed within 12 months of the first. For third and subsequent menace offenses in a 12-month period, according to the records of the town or city clerk, a person shall either pay \$100 or, at the discretion of either the person or the animal control officer, the case may be tried in municipal or district court.

(c) \$100 for the first vicious offense under RSA 466:31, II(c); and \$200 for the second or subsequent vicious offenses committed within 12 months of the first vicious offense under RSA 466:31, II(c), except that in any case of a vicious dog, as described in RSA 466:31, II(c), when its behavior presents a threat to public safety, immediate district or municipal court proceedings, in lieu of the civil forfeiture, may be initiated by the animal control officer.

3 Repeal. RSA 466:31-a, III, relative to certain civil forfeitures, is repealed.

4 Effective Date. This act shall take effect January 1, 1998.

AMENDED ANALYSIS

This bill clarifies the procedure relative to civil forfeitures for violations constituting nuisance, menace, and vicious dogs.

1997-1051h

Amendment to SB 38

Proposed by the Committee on Labor, Industrial and Rehabilitative Services

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Amended. Amend RSA 281-A:2, XI to read as follows:

XI. "Injury" or "personal injury" as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment, or any occupational disease or resulting death arising out of and in the course of employment, including disability due to radioactive properties or substances or exposure to ionizing radiation. "Injury" or "personal injury" shall not include diseases or death resulting from stress without physical manifestation. No compensation shall be allowed to an employee for injury proximately caused by the employee's willful intention to injure himself or injure another. Conditions of the aging process, including but not limited to heart and cardiovascular conditions, shall be compensable only if contributed to or aggravated or accelerated by the injury. *Notwithstanding any law to the contrary, "injury" or "personal injury" shall not mean accidental injury, disease, or death resulting from participation in athletic/recreational activities, on or off premises, unless the employee reasonably expected, based on the employer's instruction, or policy, that such participation was a condition of employment or was required for promotion, increased compensation, or continued employment.*

2 Effective Date. This act shall take effect 60 days after its passage.

1997-0795h

Amendment to SB 60-FN

Proposed by the Committee on Executive Departments and Administration

Amend the title of the bill by replacing it with the following:

AN ACT excluding claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims, and establishing a legislative oversight committee.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Oversight Committee on Claims Arising From the Operation and Administration of the New Hampshire Hospital. Amend RSA 541-B by inserting after section 22 the following new section:

541-B:23 Oversight Committee For Claims Arising From the Clinical Operation and Administration of the New Hampshire Hospital.

I. There is hereby established a legislative oversight committee to review claims arising under RSA 541-B:21 and 99-D:8, IV. The committee members shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

II. The first-named house member of the committee shall be chairperson.

III. The committee shall report its findings to the general court 6 months prior to the awarding of any contract described in RSA 541-B:21, I.

IV. The members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 New Paragraph; Oversight Committee. Amend RSA 99-D:8 by inserting after paragraph III the following new paragraph:

IV. All claims arising under this section related to the New Hampshire hospital shall be reviewed by the legislative oversight committee established

under RSA 541-B:23.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1998.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill excludes claims against New Hampshire hospital which are under \$500 from the jurisdiction of the state board of claims. The department of health and human services shall have jurisdiction over such claims.

The bill also establishes a legislative oversight committee to review claims arising from the clinical operation and administration of the New Hampshire hospital.

1997-1225h

Amendment to SB 159-FN

Proposed by the Committee on Health, Human Services and Elderly Affairs

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study increased public access to data concerning physicians and surgeons licensed under RSA 329.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study increased public access to data concerning physicians and surgeons licensed under RSA 329.

1997-1162h

Amendment to SB 167-FN

Proposed by the Committee on Executive Departments and Administration

Amend RSA 328-E:5, I(e)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Apply for a license in a manner prescribed by the board on or before March 1, [1995] **1998**.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill adds the following persons to the list of those who are exempt from certain laws governing licensed doctors of naturopathic medicine:

- I. Any individual rendering aid in an emergency, when no fee or other consideration for the service is charged, received, expected, or contemplated.
- II. Any individual administering a domestic or family remedy.
- III. Any person engaged in the sale of vitamins, health foods, dietary supplements, and other products of nature, the sale of which is not otherwise prohibited under state or federal law, as long as such person is not diagnosing any human disease, ailment, injury or other condition.

The bill extends the period during which a person, who has held himself or herself out as a naturopath or a doctor of naturopathic medicine prior to July 1, 1991, may apply for a license.

1997-1098h

Amendment to SB 169-FN

Proposed by the Committee on Education

Amend the bill by replacing section 1 with the following:

1 New Section; College Tuition Savings Plan; Exempt From Interest and Dividends Tax. Amend RSA 77 by inserting after section 4-d the following new section:

77:4-e Interest and Dividends from Funds Invested in College Tuition Savings Plan Not Taxable. Notwithstanding any provision of RSA 77:4, interest and dividend income received from funds invested in the college tuition savings plan under RSA 195-H shall at no time be considered taxable income under RSA 77:4, either to the plan or to its sponsors, participants, or beneficiaries, if used in accordance with RSA 195-H.

1997-1202h

Amendment to SB 180-FN-A

Proposed by the Committee on Transportation

Amend RSA 423:11, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby established in the state a fund to be known as the rural airport capital revolving loan fund. The fund shall be used to provide loans to enhance and rehabilitate all non-commercial service airports open to the public in towns with populations of 14,000 or less. Loans to airports from this fund shall be subject to the approval of the governor and council.

1997-1169h

Amendment to SB 194-FN-A

Proposed by the Committee on Judiciary and Family Law

Amend the title of the bill by replacing it with the following:

AN ACT relative to the qualifications of child day care providers, and allowing school districts to transport school-age children between schools and before-and-after-school programs.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. It is the intent of the state of New Hampshire to assist families in keeping school-age youth safe and out of trouble as their families move toward self-sufficiency by preventing inappropriate latchkey situations, and to encourage collaborative ventures between schools, churches, youth serving organizations, businesses, and the juvenile justice community and their families, whenever possible.

2 New Paragraph; Requirements for Child Care Providers. Amend RSA 170-E:4 by inserting after paragraph II the following new paragraph:

III. The child day care provider receiving moneys from the department of health and human services or department of education shall be 18 years of age or older, and neither the child care provider nor the provider's employee shall have any felony convictions or founded cases of child abuse or neglect.

3 New Section; Transportation Between Schools and Before and After School Child Day Care Programs. Amend RSA 189 by inserting after section 6-a the following new section:

189:6-b Transportation Between Schools and Before-and-After-School Programs. To achieve maximum utilization of available before-and-after-school programs for school-age children, school districts shall be permitted to transport pupils between schools and legally-operating before-and-after-school programs upon the approval of the school district in the same manner as the school budget is adopted by that district. Such approval shall continue until revoked in the same manner.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires child care providers in certain subsidized child care programs to be at least 18 years of age and have no felony convictions or founded cases of child abuse or neglect. It also allows school districts to transport pupils between schools and before-and-after-school programs.

1997-1153h

Amendment to SJR 2

Proposed by the Committee on Education

Amend the resolution by replacing all after the title with the following:

Whereas, when the Individuals with Disabilities Education Act was passed, Congress promised to fund a sum based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools and the number of special education students; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That Congress appropriate the promised amount based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States and the number of special education students and make such changes in the Individuals with Disabilities Education Act so that New Hampshire may continue to provide quality special education services to its students; and

That copies of this resolution, signed by the president of the senate and the speaker of the house be forwarded by the senate clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This senate joint resolution states that, whereas Congress promised to fund a certain amount based on 40 percent of the average per-pupil expenditure in public elementary and secondary schools and the number of special education students, Congress should appropriate the promised amount and make changes to the IDEA so that NH may continue to provide quality special education services to its students.